OFFICE OF THE UNDER SECRETARY OF DEFENSE

WASHINGTON, DC 20301-3000

ACQUISITION

August 12, 1993

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Sir:

This is in response to your Notice of Proposed Rulemaking, ET Docket No. 93-62, to amend the rules and regulations regarding guidelines and methods for evaluating the environmental effects of radiofrequency (RF) radiation from Federal Communication Commission (FCC) regulated facilities.

The Department of Defense (DoD) generally supports the proposed action to adopt ANSI/IEEE C95.1-1992 RF exposure guidelines which replaces ANSI C95.1-1982. Enclosed are specific DoD comments on the proposed rule. Please contact CDR Yacovissi on (202) 653-1138, if we can provide any additional information.

Sincerely,

George W. Siebert, CIH
Director for Safety and
Occupational Health Policy

Enclosure

cc: ASD(HA)
Chairman, DoD TERP
Chairman, DoD RRPWG

DoD Comments on Proposed Rulemaking
ET Docket No. 93-62

1. Paragraph 13 states "...where there is any question of possible exposure of the general public (which might include non-technical employees) to RF radiation, we propose to apply the more conservative guidelines for uncontrolled environments."

Comment: We are concerned that the emphasis given in the above sentence may override the careful differentiation given in ANSI/IEEE for controlled and uncontrolled RF environments as based on the type of location involved and not on exposure status as an occupational worker or as a member of the general public. ANSI/IEEE C95.1-1992 does not prohibit exposure of a member of the general public in controlled RF environments, nor "... the radio amateur who voluntarily and knowledgeably operates in a controlled RF environment." While some RF exposure situations may be differentiated by either personnel exposure status or by the types of RF location involved so as to arrive at similar results, there may be situations where this coincidence will not occur or will not be feasible.

2. Paragraph 16 states "... we will consider that hand-held portable devices, such as cellular telephones, must comply with the requirements specified for uncontrolled environments." Paragraph 18 states "... we propose to exclude only those low-power devices that meet the uncontrolled guidelines." Footnote 16 states "Exposure of users due to hand-held devices... will also be considered as occurring in uncontrolled environments unless the user is "aware of the potential for exposures as a concomitant of employment..." Footnote 20 refers to general public exposure as an example for the low-power device exclusion for uncontrolled environments.

Comment: The cited statements seem to apply the low-power device exclusion for uncontrolled environments as an appropriate criteria for general public exposures. ANSI/IEEE C95.1-1992 low-power device exclusion rule recognizes that RF energy absorption in the body from devices with low radiated powers will not exceed the standard's exposure criteria. The exclusion for controlled environments applies to devices under the control of an aware user, while the exclusion for uncontrolled environments applies to devices without control or knowledge of the user. We view these definitions in a straightforward manner as applying to an individual who can reasonably be expected to be aware that the device being used emits an RF signal. We consider the key point as simple

Encl

awareness on the part of the user and not other conditions, such as technical training or status as an occupational worker or member of the general public.

ANSI/IEEE C95.1-1992 did not adopt provisions similar to the interpretive statements cited in the above paragraphs. These interpretations tend to introduce occupational and non-occupational RF exposure as an important defining parameter, and to invoke the low-power device exclusion for uncontrolled environments as the only appropriate exposure criteria for hand-held or portable devices used by members of the general public. Implications associated with these statements may greatly increase the complexity involved in determining compliance and in defining unintentional or inadvertent RF exposure situations. The interpretations may also lead to imposing additional restrictions that are not supported by the underlying rationale used in deriving the ANSI/IEEE 1992 exposure limits.

We recommend that the FCC adopt the RF exposure guidelines as published and as defined in ANSI/IEEE C95.1-1992. We applaud the FCC for its leadership in bringing their regulatory requirements into congruence with the most recently developed RF exposure guidelines.